

# Development Management Sub-Committee Report

**Wednesday 4 October 2023**

**Application for Planning Permission STL  
Garage 20 Meters East Of 21 St Catherine's Place, Edinburgh,**

**Proposal: Change of use of ancillary domestic garage to short term let (Sui Generis), and external alterations.**

**Item – Committee Decision  
Application Number – 23/02361/FULSTL  
Ward – B15 - Southside/Newington**

## **Reasons for Referral to Committee**

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-Committee as it has received more than twenty material supporting comments and the recommendation is to refuse planning permission.

### **Recommendation**

It is recommended that this application be **Refused** subject to the details below.

### **Summary**

The proposal complies with sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity.

The proposal does not comply with the Development Plan NPF4 policy 30 (e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

## SECTION A – Application Background

### Site Description

The application unit comprises of a detached, single storey domestic garage, ancillary to 21 St Catherine's Place, Sciennes. The garage is situated within garden ground to the east of the main dwelling house at the site. The garage has its private vehicle and main door access from Sciennes Road to the north.

The surrounding area is predominantly residential. Both detached and tenement housing is located nearby. The site lies within the Grange Conservation Area.

### Description Of The Proposal

Planning permission is sought for the change of use from an ancillary domestic building to short term let (sui generis). The proposal is for the formation of a self-contained accommodation unit. Both internal and external alterations are proposed.

### Supporting Information

- NPF4 Supporting Planning Statement.

### Relevant Site History

13/02305/FUL  
21 St Catherine's Place  
Edinburgh  
EH9 1NU  
Erect new garage.  
Granted  
14 August 2013

### Other Relevant Site History

No other relevant site history.

### Pre-Application process

There is no pre-application process history.

### Consultation Engagement

No consultations undertaken.

### Publicity and Public Engagement

**Date of Neighbour Notification:** 16 June 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 23 June 2023

**Site Notices Date(s):** 20 June 2023

**Number of Contributors:** 28

## Section B - Assessment

### Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

### Assessment

To address these determining issues, it needs to be considered whether:

#### **a) The proposals harm the character or appearance of the conservation area?**

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: "In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

The proposed alterations to the garage include the replacement of the existing garage door with a new timber lining and windows, a new raised timber door to the side elevation and the installation of a 1.8m high timber fence.

The proposed alterations to the garage are minor, make use of appropriate materials and will take place in existing structural openings. They will have limited impact on the character and appearance of the conservation area. The proposed fencing is also considered acceptable and will be screened from public view by an existing wall fronting Sciennes Road.

The change of use from an ancillary garage to a short term let will not have any material impact on the conservation area. The proposed development would preserve the appearance and character of the conservation area.

### **Conclusion in relation to the conservation area**

The proposals are acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### **b) The proposals comply with the development plan?**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Design Policy Des 12.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

The non-statutory 'Listed Buildings and Conservation Area' guidance and 'Guidance for Householders' are material consideration that are relevant when considering NPF4 Policy 7 and LDP Policy Des 12.

## Conservation Area

The external works proposed are minor and will have limited impact on the conservation area. There will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

## Design

The proposed works are of an acceptable design and are compatible with the existing structure. They will preserve the character and appearance of the conservation area as detailed in section a) of the assessment. The proposal complies with NPF4 policy 7 and LDP policy Des 12.

## Proposed Use

With regards to NPF 4 Policy 1, the proposal is acceptable as it promotes the conservation and recycling of an existing asset and supports compact urban growth. The proposal will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relates to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to a short term let will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

Amenity:

The application property comprises a garage within the curtilage of 21 St. Catherine's Place. There is a medium to low degree of activity in the immediate vicinity of the property.

The applicant's supporting planning statement asserts that the use of the garage for STL purposes would have a limited impact on the residential amenity of neighbouring properties given the character of the surrounding area, the unit's small size (33.6 sqm) and the proximity of the owners/operators to the site.

The surrounding area has a medium degree of activity during daytime hours with this level significantly reduced during the evening/night. The area is predominantly residential with limited commercial activity. A residential property directly borders the site to the east and numerous other residential properties are situated nearby.

The use of the property as an STL would introduce an increased frequency of movement to the property. The proposed STL use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity. This may impact upon the residential properties located adjacent to and nearby the proposed STL unit. The presence of the current owners/operators on site may mitigate potential disturbances, however, given the context of the site and the proposed establishment of a separate planning unit, limited weight is given to this consideration.

The additional servicing that operating a property as an STL requires compared to that of the current use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation:

The change of use will not result in any loss of residential accommodation. The existing use of the building is for a garage, ancillary to the main dwelling house at 21 St. Catherine's Place. NPF4 Policy 30(e) part (ii) is not applicable.

#### Parking Standards

Although one off-street parking space is available with the property, there are no parking requirements for STLs. Cycles can be parked inside the property. The proposals comply with LDP Policies Tra 2 and Tra 3.

#### **Conclusion in relation to the Development Plan**

The proposal complies with policy 30 (e) part (ii) of NPF4 as the STL use will not result in the loss of residential accommodation. The change of use of this property to an STL will, however, have an unacceptable impact on neighbouring amenity. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan NPF4 policy 30 (e) part (i) and LDP policy Hou 7

#### **c) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

## Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

## Public representations

28 representations were received for this application. This includes 25 in support, 2 objections and 1 general comment. A summary of the representations is provided below:

### *material considerations*

- Limited impact on local residential amenity due to the unit's private access and existing boundary screening. Addressed in part b).
- Limited impact on local residential amenity due to small size of the proposed accommodation (two persons). Addressed in part b).
- The proposed accommodation would lead to local economic benefits through visitor spend. Addressed in part b).
- Limited impact on local residential amenity due to the character of the local area. Addressed in part b).
- The proposed alterations will have an acceptable visual impact on the character/appearance of the surrounding area. Addressed in part a).
- Negative impact in terms of waste management procedure. A waste management plan would have to be agreed with CEC Waste Services.
- Negative impact on local amenity given the residential character of the surrounding area. Addressed in part b).
- Negative impact relating to the loss of off-street parking capacity. Addressed in part b).

### *non-material considerations*

- The STL will be well-managed by the owner/operator. Not a material consideration.

## **Conclusion in relation to identified material considerations**

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

## **Overall conclusion**

The proposal complies with sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

However, the change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity.

The proposal does not comply with the Development Plan NPF4 policy 30 (e) part (i) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

### **Reasons**

#### **Reason for Refusal:-**

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity as the use of this property as a short term let will result in an unacceptable impact on local amenity.

### **Informatives**



## **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

## **Further Information - Local Development Plan**

**Date Registered: 1 June 2023**

## **Drawing Numbers/Scheme**

01, 03

Scheme 1

**David Givan**

**Chief Planning Officer**

**PLACE**

**The City of Edinburgh Council**

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Appendix 1

**Summary of Consultation Responses**

No consultations undertaken.

**Location Plan**



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